

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe that I am one of the original, first and joint inventors (namely, James R. Braig, a United States citizen having a residence and mailing address at 280 Mountain Avenue, Piedmont, California 94611, Bernhard B. Sterling, a United States citizen having a residence and mailing address at 882 El Pintado Road, Danville, California 94086, Peter Rule, a United States citizen having a residence and mailing address at 24183 Hillview Road, Los Altos Hills, California 94024, Philip C. Hartstein, a United States citizen having a residence and mailing address at 171 Bryant St. Apt. G, Palo Alto, California 94301, and Kenneth I. Li, a United States Citizen having a residence and mailing address at 53 Calvert Court, Piedmont, California 94611) of the subject matter which is claimed and for which a patent is sought on the invention entitled SAMPLE ELEMENT FOR USE IN MATERIAL ANALYSIS; the specification of which was filed on **April 15, 2004** as Application Serial No. **10/825,072**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/463,132

Filing Date: April 15, 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James R. Braig**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: **280 Mountain Avenue, Piedmont, CA 94611**

Citizenship: **U.S.**

Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

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# ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of

Alameda

SS.

On

October 19, 2004

(DATE)

before me,

Jennifer Villavert Le

(NOTARY)

personally appeared

James R. Braig

SIGNER(S)

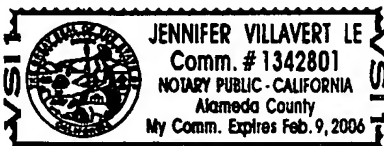


personally known to me

- OR -



proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jennifer Villavert Le

NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL  
☒ CORPORATE OFFICER

CTO

TITLE(S)

- ☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER:

### DESCRIPTION OF ATTACHED DOCUMENT

Declaration - USA Patent Application

TITLE OR TYPE OF DOCUMENT

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NUMBER OF PAGES

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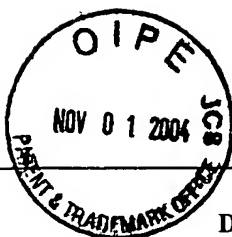
NAME OF PERSON(S) OR ENTITY(IES)

OPTISCAN BIOMEDICAL CORP.

### RIGHT THUMBPRINT

OF  
SIGNER

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Full name of second inventor: Bernhard B. Sterling

Inventor's signature

*Bernhard B. Sterling*

Date

*October 19, 2004*

Residence: 882 El Pintado Road, Danville, CA 94086

Citizenship: U.S.

Mailing Address: Same

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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State of California

County of Alameda

SS.

On October 19, 2004

(DATE)

before me, Jennifer Villavert Le

(NOTARY)

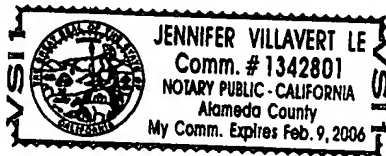
personally appeared Bernhard B. Sterling

(SIGNER(S))

☒ personally known to me

- OR -

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

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☐ GUARDIAN/CONSERVATOR  
☐ OTHER:

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Full name of third inventor: **Peter Rule**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

*Oct. 19, 2004*

Residence: **24183 Hillview Road, Los Altos Hills, CA 94024**

Citizenship: **U.S.**

Mailing Address: **Same**

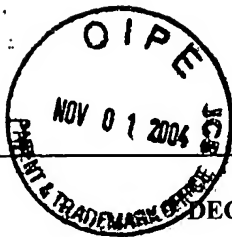
*Michelle Laubach*  
subscribing witness 10/19/04

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Full name of fourth inventor: Philip C. Hartstein

Inventor's signature

Date

Residence: 171 Bryant St. Apt. G, Palo Alto, California 94301

Citizenship: U.S.

Mailing Address: Same

Subscribing Witness  
Michele Jacobach  
10/19/04

Send Correspondence To:  
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Customer No. 20,995  
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Full name of fifth inventor: Kenneth I. Li

Inventor's signature

*Kenneth I. Li*

Date

*Oct. 19, 2004*

Residence: 53 Calvert Court, Piedmont, CA 94611

Citizenship: U.S.

Mailing Address: Same

*Nichole Faubach*  
subscribing witness 10/19/04

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

# SUBSCRIBING WITNESS JURAT

State of California

County of Alameda } SS.

On October 19, 2004, before me, the undersigned, a notary public for the state, personally

appeared Michele Loubach, personally known to me ~~(or proved to~~  
SUBSCRIBING WITNESS'S NAME

~~me on the oath of~~ \_\_\_\_\_, who is ~~personally known to me~~ to  
CREDIBLE WITNESS'S NAME

be the person whose name is subscribed to the within  
instrument, as a witness there to, who, being by me duly  
sworn, deposed and said that he/she was present and  
saw Peter Rule, Philip C. Haertstein, and  
Ken I. Li the  
NAME(S) OF PRINCIPAL(S)

same person(s) described in and whose name(s) ~~is/are~~  
subscribed to the within and annexed instrument in  
~~his/her~~/their authorized capacity(ies) as (a) party(ies)  
thereto, execute the same, and that said affiant  
subscribed ~~his/her~~ name to the within instrument as a  
witness at the request of  
Peter Rule, Philip C. Haertstein, and  
Ken I. Li  
NAME(S) OF PRINCIPAL(S)



WITNESS my hand and official seal.

Jennifer Villavert Le  
NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

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### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

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TITLE(S)

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☐ GUARDIAN/CONSERVATOR  
☒ SUBSCRIBING WITNESS  
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